IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 25445 of 2007(D)

PETITIONER:

ABDUL RASHEED, AGED 48 YEARS,
S/O.MR.ABDUL KHADER KUTTY,
RESIDING AT HAZNA COTTAGE, CHERAVALLY,
NEAR FACT, KAYAMKULAM P.O.,
ALAPPUZHA DISTRICT.PIN-690 502.

BY ADV. SRI.TPM.IBRAHIM KHAN

RESPONDENTS:

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1. KAYAMKULAM MUNICIPALITY, REP. BY ITS
SECRETARY, OFFICE OF THE KAYAMKULAM MUNICIPALITY,
KAYAMKULAM P.O., ALAPPUZHA DISTRICT.

*2. ABBAS KUNJU,AGED 40 YRS.
S/O. THAHAKUTTY
KALLARACKAL HOUSE, KAYAMKULAM MURI
KAYAMKULAM VILLAGE, ALAPPUZHA DIST.

RESPONDENT NO. 2 IS SUO MOTU IMPLEADED AS ADDL. RESPONDENT NO.2 AS PER ORDER IN W.P.(C) 25445/07 DT. 5.9.07.

BY ADV. SRI.RAYA SHENOI,SC,KAYAMKULAM MUNICIPALITY
SRI.S.SHANAVAS KHAN FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C). NO. 25445 OF 2007

Dated this the 14th day of November, 2007

J U D G M E N T

Heard Sri. TPM. Ibrahim Khan, learned counsel for the petitioner and Sri. S.Shanavas Khan, learned Standing Counsel for the Municipality.

2. Drawing my attention to Ext.R2(b) proceedings of the Secretary of the Municipality, Sri. Ibrahim Khan submits that the petitioner will be ready to submit a revised plan in compliance with the various directions which have been given under Ext.R2(b).

Under these circumstances, I dispose of this writ petition permitting the petitioner to submit a revised plan before the Municipality in compliance with the directions contained in Ext.R2(b). If such a revised plan is received by the Municipality, the Municipality will consider the same and ensure that the directions in Ext.R2(b) have been complied with, and pass fresh orders regarding granting of approval. It is made clear that the issuance of permit will be subject to the outcome of any civil litigation, which is pending between the parties before any competent court.

PIUS C. KURIAKOSE,, JUDGE

vps